

**STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD**

**DIVISION OF WATER RIGHTS**

**ORDER**

**Application 24187 Permit 18770**

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, ADDING  
ENDANGERED OR THREATENED SPECIES TERM, AND  
AMENDING THE PERMIT**

**WHEREAS:**

1. Permit 18770 was issued to John and Mary Tubbs and Robert and Argentina Sorensen on March 2, 1983 pursuant to Application 24186.
2. Permit 18770 was subsequently assigned to Creston Manor Limited Partnership on April 14, 1983.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use was filed with the State Water Resources Control Board (SWRCB) on May 7, 1998.
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
5. The SWRCB has determined that the petition for an extension of time in which to develop the project and apply the water to the proposed use does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the permit making the permittee aware of possible obligations resulting from these acts.

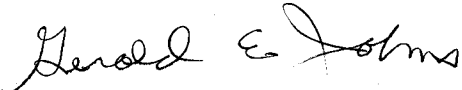
**NOW, THEREFORE, IT IS ORDERED THAT:**

1. A new development schedule is approved as follows:  
  
Complete application of water to the proposed use shall be made by December 31, 2009.
2. Condition 13 of the permit, an Endangered Species term, shall be added to read as follows:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 5131 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

Dated: DEC 5 1999

  
for Harry M. Schueller, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 24187

PERMIT 18770

LICENSE \_\_\_\_\_

ORDER TO ADD POINTS OF DIVERSION (AND REDIVERSION),  
CHANGE THE PLACE OF USE, APPROVING A NEW  
DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. Permit 18770 was issued to John C. Tubbs, Mary E. Tubbs, Robert E. Sorenson and Argentina Sorenson on March 2, 1983 pursuant to Application 24187.
2. Permit 18770 was subsequently assigned to Creston Manor Limited Partnership.
3. Petitions to change the point of diversion on Indian Creek, the place of use and for an extension of time within which to develop the project and apply the water to the proposed use have been filed with the State Water Resources Control Board (Board).
4. The Board determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. The permittee has proceeded with diligence and good cause has been shown for the said changes and for the extension of time.
6. Permit Condition 10 pertaining to the continuing authority of the Board should be updated to conform to Standard Permit Term 12 as contained in Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 2 of the permit be amended to read:

Location of Point of Diversion and Rediversion

- (1) South 200 feet and East 600 feet from the NW corner of Section 32, T28S, R15E, MDB&M; being within the NW¼ of NW¼ of said Section. Also described as California Coordinate System, Zone 5, North 719,650 and East 1,288,800.

Diversion to Offstream Storage

- (2) South 500 feet and East 400 feet from the NW corner of Section 32, T28S, R15E, MDB&M; being within the NW¼ of NW¼ of said Section. Also described as California Coordinate System, Zone 5, North 719,350 and East 1,288,600.

Storage (Point of Rediversion)

- (3) South 2,575 feet and East 2,750 feet from the NW corner of Section 32, T28S, R15E, MDB&M; being within the SW¼ of NE¼ of said Section. Also described as California Coordinate System, Zone 5, North 717,275 and East 1,290,950.

(0000002)

2. Condition 4 of the permit be amended to read:

Place of Use:  
15 acres within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  within Section 32, T28S, R15E, MDB&M  
30 acres within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  within Section 32, T28S, R15E, MDB&M  
30 acres within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  within Section 32, T28S, R15E, MDB&M  
30 acres within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  within Section 32, T28S, R15E, MDB&M  
30 acres within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  within Section 32, T28S, R15E, MDB&M  
15 acres within SE $\frac{1}{4}$  of NW $\frac{1}{4}$  within Section 32, T28S, R15E, MDB&M  
150 acres total

(0000004)

3. Condition 7 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 1992

(0000009)

4. Condition 10 of the permit be amended to read:

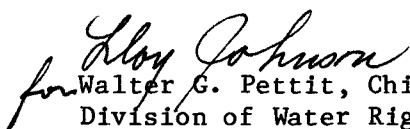
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: NOVEMBER 30 1988

  
Walter G. Pettit, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18770

Application 24187 of John C. Tubbs, Mary E. Tubbs, Robert E. Sorensen  
and Argentina Sorensen

7606 Willow Glen Road, Los Angeles, California 90046

over

filed on September 21, 1972, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Indian Creek

Shedd Canyon thence

Estrella River thence

Salinas River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
(1) South 500 feet and East 400 feet from NW corner of Section 32	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	32	28S	15E	MD
(2) South 200 feet and East 600 feet from NW corner of Section 32	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	32	28S	15E	MD

County of San Luis Obispo

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
Recreational						
Fish Culture						
Stockwatering	Reservoir Nos. 1 & 2 in NW $\frac{1}{4}$ of NW $\frac{1}{4}$	32	28S	15E	MD	
Irrigation	N $\frac{1}{2}$ of NW $\frac{1}{4}$	32	28S	15E	MD	45

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 48 acre-feet per annum to be collected from November 1 of each year to May 1 of the succeeding year as follows: 23 acre-feet per annum in Reservoir No. 1, 25 acre-feet per annum in Reservoir No. 2.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

(0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

(0000006)

7. Complete application of the water to the authorized uses shall be made by December 1, 1986.

(0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

(0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

10. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable methods of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

(0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

Application 24187

Permit 18770

12. The State Water Resources Control Board reserves jurisdiction over this permit for the purpose of conforming the terms and conditions to later findings of the Board concerning stream flows required to reasonably protect vested rights. Action by the Board will be taken only after notice to interested parties and opportunity for hearing.

(00000 42)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

MARCH 2 1983

STATE WATER RESOURCES CONTROL BOARD

*L. D. Johnson*  
for Chief, Division of Water Rights

P. 18770

4-12-83 asgd to Indian Creek Ranch

5-26-83 - Name corrected to Creston Manor Limited Partnership